

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN CHERRY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 07-cv-2235
)	
SUNOCO, INC.,)	
)	
Defendant.)	

ORDER

AND NOW, this 17th day of August 2009, upon consideration of Defendant's Motion for Summary Judgment [Document No. 24], Plaintiff's Response in opposition [Document Nos. 34, 35 and 36], and Defendant's Reply [Document No. 37], and in accordance with the attached Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion is **GRANTED**. It is **FURTHER ORDERED** that all of Plaintiff's claims against Defendants are **DISMISSED**.

The Clerk of Court shall **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.